

GRANT COUNTY SUPERIOR COURT
LOCAL RULES

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LR 1
TITLE AND SCOPE

(a) Title. These rules shall be known as "The Local Rules of the Superior Court of Washington in and for the County of Grant." The brief title of these rules is "Grant County Local Rules." These rules may be cited in the following form: "LR 1."

(b) Scope. Unless otherwise provided herein, these rules apply to all criminal and civil proceedings, family and domestic matters, mental health proceedings, juvenile court offender and dependency proceedings, appeals from lower courts, tribunals and agencies, and other matters brought before the Grant County Superior Court. To the extent these rules supplement rules of statewide application adopted by the Supreme Court of Washington, both local and statewide rules apply. To the extent these rules conflict with statewide rules, the statewide rules apply.

(c) Arbitration. By order dated April 20, 1988, Grant County Superior Court adopted local rules for mandatory arbitration ("LRMA") which apply to original civil actions with limited money claims, and to other actions upon stipulation of the parties.

(d) Waiver. Any provision of these rules may be waived or modified by order of the court for good cause shown, or as required in the interests of justice.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 2
JUDICIAL OFFICERS

(a) Departments. There shall be four departments of this court, identified as Civil Department, Criminal Department, Juvenile Court, and Court Commissioner's Department. The judges of this court will be assigned, on a rotating basis, for such periods as the judges may from time to time determine, to the Civil and Criminal Departments and to Juvenile Court.

(b) Presiding Judge. (1) Election. During the month of December of each odd-numbered year, the judges of the court shall elect, by such manner as they may then agree or, in the absence of such agreement, by secret written ballot, one of their number to serve as Presiding Judge. In the same fashion, the judges shall elect an Acting Presiding Judge. Vacancies in either position will be filled in the same manner as soon as practicable after vacancy occurs.

(2) Removal. The Presiding Judge may be removed by the unanimous vote of the other two judges of the court.

(3) Term. The Presiding Judge shall be elected to a term of two years, commencing on January 1 of each even-numbered year.

(4) Special Inquiry Judge. By virtue of office, the Presiding Judge shall be the Special Inquiry Judge designated by the judges of the court as required by RCW 10.27.050. In the event the Presiding Judge is disqualified

from any special inquiry proceeding, the Acting Presiding Judge will be deemed to be the special inquiry judge so designated.

(5) Library Board. By virtue of office, the Presiding Judge, or his or her designee, shall be a member of the Grant County Law Library Board.

(c) Juvenile Judge. The judge assigned to the Juvenile Court pursuant to section (a) of this rule shall be designated as the Juvenile Court Judge, as provided in chapter 13.40 RCW.

(d) Court Commissioners. The judges will employ at least one court commissioner, assigned to the Court Commissioner's Department, unless otherwise assigned by the Presiding Judge. The Court Commissioner will ordinarily preside over law and motion dockets and trials of brief duration in domestic and paternity cases.

Each judge of the Grant County District Court will ordinarily be appointed as a commissioner of the superior court. In such capacity, the court commissioners may sign ex parte orders.

The Presiding Judge may appoint pro tempore court commissioners from time to time as may be required for due administration of the business of the court.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 3
STAFF POSITIONS

(a) Court Reporter. There shall be at least one official reporter, selected by a majority of the judges, appointed and serving in the manner, and performing the functions, prescribed by law.

(b) Court Administrator. The administrative operation of the court will be coordinated by a Court Administrator, appointed by the judges and serving at their pleasure. The Court Administrator will schedule all court calendars, and perform such other duties as the Presiding Judge may from

time to time direct.

(c) Interpreter and Arbitration Administrator. The court shall employ an Interpreter certified by the Administrative Office for the Courts in the Spanish language. The Interpreter will attend court proceedings when directed by a judge. The Interpreter will arrange for the retention and assignment of other interpreters as the business of the court may require. The Interpreter may be permitted, by written policies of the court, to perform interpretation services for private party litigants.

The Interpreter shall, unless otherwise directed by the judges of the court, also serve as Arbitration Administrator, as provided in the Local Rules for Mandatory Arbitration.

(d) Other Staff. The judges may appoint such other staff, including bailiffs, deputies and others, as may from time to time be necessary to the efficient operation of the court.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 4
MOTION AND TRIAL DOCKETS

(a) Law and Motion Dockets. Except as may otherwise be ordered from time to time as necessary in the administration of the court, regular law and motion dockets will be heard as follows:

Civil Department:

Civil motions: Friday, 9:00

Protection orders: Daily except Friday, 8:30

Sentence compliance: 1st and 3rd Friday, 1:30

Criminal Department:

Criminal motions: Monday and Tuesday, 9:00

CrR 3.5, CrR 3.6 and Ryan

hearings: Wednesday and Thursday, 1:30

Commissioner Department:

Domestic and family law:

Pro se decrees: Friday, 1:30

Pro se motions: Friday, 2:00
Motions, decrees with counsel: Friday, 9:30
Paternity, support enforcement: Thursday, 9:00

Juvenile Court:

Offender motions: Monday, 9:00; Tuesday 2:00
Dependency hearings: Tuesday, 8:30
Truancy, at-risk youth: Tuesday, 1:00

(b) Holiday Schedule. When Monday is a court holiday, the criminal docket will be called on the following Tuesday and Wednesday, and the Monday Juvenile offender docket will be called on the following Wednesday, unless otherwise ordered by the court. When Friday is a court holiday, all regularly-scheduled dockets will be called on the preceding Thursday, unless otherwise ordered by the court. When a Tuesday, Wednesday or Thursday court holiday affects a docket, the docket will be specially scheduled by the court.

(c) Time limits. (1) Length of hearing. All law and motion dockets are limited to matters requiring no more than ten minutes per side. Matters expected to exceed that limitation must be specially set by the court administrator.

Hearings under CrR 3.5 and CrR 3.6 are limited to one hour total unless specially set with the court administrator.

(2) Responsive declarations. In matters on the domestic and family docket, and the paternity docket, responsive declarations must be served and filed by noon on the calendar day immediately prior to the docket, or 24 hours before the scheduled docket, whichever is later, unless the court expressly permits later service and/or filing.

(d) Noting Matters on Motion Dockets. Except as otherwise provided in this section, or with leave of the judicial officer presiding on the docket, matters to be heard on a motion docket must be noted with the clerk one week prior to the docket. If the judicial officer assigned to hear a docket is unavailable, another judge may consider and grant an ex parte motion for order shortening time to note a matter on a docket.

Initial appearances, motions to revoke conditions of release, and emergency furlough motions may be noted on any criminal docket without advance notice.

(e) Required Special Settings. The following matters may not be noted on the court's regular dockets, but must be specially set with the court administrator: motions for summary judgment; arguments on the merits in appeals from

lower courts or tribunals; hearings under CrR 3.5 or CrR 3.6 expected to exceed one hour.

(f) Civil Trials. Civil trials shall be scheduled by the court administrator at such times as are conducive to the efficient operation of the court and the expeditious resolution of cases. Generally, civil jury trials will begin on Mondays at 9:00 a.m.

(g) Criminal Trials. Criminal trials will ordinarily be scheduled to begin with a trial conference (at which the defendant must appear) on Tuesday at 1:30 p.m. and with jury selection on Wednesday at 9:00 a.m. Said days and times will be delayed by one day when Monday is a court holiday. The court will maintain a calendar of cases set for trial. Active cases will be called for trial in the order of their speedy trial deadline unless otherwise ordered by the court.

(h) Paternity Trials. Trials expected to exceed one-half day will be set by the court administrator as civil trials. Otherwise, paternity trials will be scheduled in the Commissioner's Department on Thursday afternoons, unless a special setting is obtained from the court administrator.

(i) Domestic Trials. Trials in domestic relations and family law cases shall be set for trial by the court administrator in the same manner as civil trials. Trials not expected to exceed one-half day may be set in the Commissioner's Department only upon written stipulation, signed by all parties, that the court commissioner may hear the trial as a judge pro tempore.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 5
PRETRIAL CONFERENCE

(a) Civil Cases. A pretrial conference may be conducted in civil cases in the manner, and for the purposes, set forth in CR 16.

(b) Criminal Cases. The scheduling order required by LR 8 shall establish a date for a pretrial conference to be called on a criminal motions docket. The defendant shall

attend the pretrial conference unless attendance is excused in advance by the court. At the pretrial conference, the parties shall certify (1) that they have complied with the discovery obligations ordered by the court or required by law; (2) that counsel have conferred in good faith to consider resolution of the case without trial; and (3) that a plea agreement has or will be proposed, or will not be considered. The court will determine the necessity of retaining settings for hearings under CrR 3.5 and CrR 3.6, and other hearings, and will make such orders for further discovery or other measures as are necessary to render the case ready for trial.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 6
TRIAL CONFERENCE

(a) Civil Cases. Civil jury trials will be preceded by a conference, on the record unless a record of the trial has been waived, beginning at 9:00 a.m. on the first trial day unless otherwise ordered by the court. If the conference is expected to exceed 30 minutes, the parties shall obtain a specially-set time from the court administrator. Counsel for the parties shall attend. The conference will address administrative matters relating to the trial, and resolve motions in limine and other motions entertained by the court.

Civil bench trials may be preceded by a conference on request of a party or on the court's motion.

(b) Criminal Cases. Unless otherwise ordered, criminal trials will begin with a conference, on the record, to resolve pretrial and trial issues. If the conference is expected to require more than thirty minutes, counsel shall obtain a special setting from the court administrator. Counsel and the defendant shall attend the trial conference. The conference will address administrative matters relating to the trial, admissibility of evidence of prior convictions or other contested evidentiary matters, motions in limine, and other motions entertained by the court.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 7
PLEA AGREEMENTS

[Repealed effective September 1, 2005]

LR 8
SCHEDULING ORDERS

(a) Civil Cases. (1) Status conference. In civil cases in which the complaint has been served on any defendant, the court administrator will schedule a status conference, to be conducted by telephone not sooner than 90 days, nor later than 120 days after the complaint is filed, and will give notice thereof to counsel and unrepresented parties who have appeared. The purpose of the status conference is to schedule deadlines for completion of all measures necessary to prepare the case for trial. Notice of the status conference shall be in the form appended hereto as Form LR 8-A, and will be accompanied by a blank status conference statement (Form LR 8-B) and blank note-up slip for trial setting (Form LR 8-C).

After a request for trial de novo following mandatory arbitration, the court administrator will schedule a status conference in the manner set forth above, to be conducted by telephone within 60 days of the filing of the request.

(2) Scheduling order. Following the status conference, or upon receipt of a status conference statement agreed to by all parties, the court will issue a Scheduling Order in the form appended hereto as Form LR 8-D. Deadlines established in the Scheduling Order may be extended by stipulation of the parties only upon leave of the court. The court may, upon motion of a party made before expiration of a deadline, extend any deadline in the Scheduling Order for good cause shown.

(3) Trial setting. If, upon completion of the latest

deadline established by the Scheduling Order, the case has not been fully resolved, parties continuing to make or defend claims in the case shall complete and file the note-up slip for trial setting in the form appended hereto as Form LR 8-C. Upon expiration of the time for filing such requests, the court administrator will assign a trial date, using the form appended hereto as Form LR 8-E.

Any other obligations of the parties stated in the forms appended hereto are incorporated by this reference as requirements of this LR 8.

(b) Cases Excluded. Unless otherwise ordered by a judge, the scheduling procedure provided in LR 8(a) will not be employed in domestic relations, paternity; adoption; change of name; domestic violence (ch. 26.50 RCW); harassment (ch. 10.14 RCW); interstate support enforcement; juvenile dependency; minor settlement; probate; guardianship; petition for writ of habeas corpus, mandamus, review or other writ; unlawful detainer; civil commitment; proceedings under ch. 10.77 RCW; proceedings under ch. 70.96A RCW; and cases in which pretrial time limits are expressed in statute.

Any party to a case in which the scheduling procedure provided in LR 8(a) is not employed may move the court to establish a schedule for preparation of the case.

(c) Criminal Cases. In criminal cases, at the time of arraignment, the court will adopt a schedule for the case by completing a Scheduling Order in the form appended hereto as Form LR 8-F. The Scheduling Order will set forth the parties' discovery obligations and will establish a deadline for compliance therewith. The Order will also set dates for hearings under CrR 3.5 and CrR 3.6 and other motions, for pretrial conference, and for trial, and will set forth the deadline for timely trial under CrR 3.3. The court will cause the original Scheduling Order to be filed with the clerk, and will cause copies to be delivered to the court administrator, prosecuting attorney, defense attorney and defendant.

[Adopted April 1, 1997; amended effective September 1, 2005]

CONFESSION AND SUPPRESSION HEARINGS

(a) CrR 3.5. On or before the discovery compliance date set in the Scheduling Order, the prosecution shall serve on the defendant and file with the court a brief description of the defendant's statements the prosecution intends to offer in evidence at trial. Not later than twenty four hours before a hearing pursuant to CrR 3.5, the parties may file memoranda of legal authorities relating to admission or exclusion of the defendant's statements.

(b) CrR 3.6. At least one week prior to the date set in the Scheduling Order to hear motions, the defendant shall serve on the prosecutor and file with the court a written motion for suppression, identifying the item(s) to be suppressed and briefly stating the grounds. The defendant shall serve and file with the motion a memorandum of authorities upon which defendant relies for suppression.

The prosecution shall file a memorandum of authorities upon which it relies for admission not later than twenty-four hours before the motion is scheduled to be heard.

(c) Time limits. See LR4(c).

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 10 JURY TRIALS

(a) Jury Selection. Unless otherwise ordered by the judge presiding at trial, juries will be selected after panel examination. The clerk will randomly assign sequential numbers, beginning with "1," to all prospective jurors who have appeared, and will cause them to be seated in the courtroom in that order. The judge and counsel will be provided with a roster of the panel as seated.

The judge will conduct orientation and general questioning of the panel. Thereafter, counsel will, in turn, be permitted to question the panel, or individual members thereof, for a stated period of time set by the judge. The judge may allow a second period of questioning by each side.

For good cause shown, the judge may extend the period of questioning, or allow additional rounds, on motion of a party.

Challenges for cause shall be made openly, at sidebar, or in chambers, as the judge may direct. After examination of the panel, counsel will, in turn, exercise peremptory challenges by striking names from a roster of those panel members not previously dismissed. After peremptory challenges, the remaining unchallenged jurors with the twelve (or, in appropriate cases, six) lowest roster numbers shall be seated as the jury. The remaining juror(s) with the next lowest roster number(s) will be seated as the alternate juror(s).

(b) Jury Instructions. Each party wishing to propose jury instructions shall file with the clerk, deliver to the judge, and serve on other parties one cited copy and one clean copy of each instruction proposed. Cited copies shall include marginal citation of the authority relied upon in proposing the instruction, and will be sequentially lettered or numbered. Clean copies shall not include citations, letters or numbers.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 11
TELEPHONIC HEARINGS

(a) Unreported. Arguments on motions are to be conducted in person, except that, by specific arrangement with the court administrator at least one week before a hearing, argument may be made by telephone, Provided, (1) that all parties agree to telephonic argument; (2) that the judicial officer before whom the hearing will be conducted approves of telephonic argument; and (3) that no verbatim record is requested (or the record is made by a party). A party may withhold agreement to telephonic argument only for reasonable, articulable cause.

For good cause shown, on motion of a party, the court may order telephonic argument of a motion in the absence of such agreement. A motion to require telephonic argument shall itself be argued by telephone unless all affected parties

are before the court when the motion is made.

(b) Verbatim Record. The requirement in (a)(2) of this rule may be waived by the court only if: (1) no participant other than the court uses a speaker phone; (2) no participant is on a multiple line (e.g., if a client is to listen in, the client must be separately connected by the conference operator); and (3) the reported call will begin with each party's stipulation to the following:

"This conference call argument is being reported by the official court reporter. Each party stipulates that any portion of the proceedings which is inaudible to the reporter will be noted as such in the record without jeopardy to the reporter or to any transcript being deemed accurate and complete."

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 12.
LIMITED ACCESS TO PATERNITY FILES

(a) Persons. Only the following persons shall have access to paternity files of this court: the mother, the presumed father, any alleged father who has not been dismissed from the case, an attorney representing any of the foregoing or the child (after filing a notice of appearance), any guardian ad litem appointed in the cause and not discharged, the State of Washington as represented by the Attorney General's office or Grant County Prosecutor's Office (or other contracted counsel), and any other person upon permission from a judge or commissioner of the court.

(b) Limited Access. Access to a paternity file by the mother, or presumed or alleged father is limited to review of the file at the office of the clerk of the court when no final Judgment and Order Determining Paternity has been entered. After entry of such Judgment and Order, any party referred to in the order may, upon paying the applicable fee, receive a copy of the order and any visitation order, parenting plan, residential schedule or child support order in the file.

(c) Access by Court Officers. Any attorney, guardian ad

litem, or employee or contractor of the Attorney General or Prosecutor authorized by part (a) of this rule to have access to a paternity file may examine or otherwise handle the file in the clerk's office pursuant to policies of the clerk.

(d) Segregation of File. The Clerk of this Court may segregate Paternity files into two or more volumes, ending the first (or subsequent) volume upon filing of an Order Establishing Paternity. Pleadings filed after the filing of an Order Establishing Paternity may be filed in a separate volume or volumes. When such a segregation is made by the Clerk, the limitations on access expressed in this rule will be deemed only to apply to the volume(s) closed with filing of the Order Establishing Paternity.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 13.
PARENTING SEMINARS

(a) Cases Affected. Pursuant to RCW 26.12.170, this rule applies to all actions in which the court is petitioned to adopt a parenting plan or residential schedule involving minor children, and, if ordered by the court, to an action in which modification of such a plan or schedule is sought.

(b) Seminar Required. The judges of this court shall, by administrative order maintained in the records of the clerk, from time to time designate one or more providers of parenting seminars. Each party who is a parent shall, within thirty days after initiating or being served with initial documents in a case covered by this rule, contact a designated provider to schedule attendance at a parenting seminar. Prior to trial in such a case, or prior to entry of a final parenting plan or residential schedule if no trial is held, each such party shall attend and complete a parenting seminar, and file proof thereof with the court.

(c) Exemption and Enforcement. A party may seek exemption from the requirements of this rule on the basis of substantial hardship, established by motion of the party supported by written declaration or oral testimony. A party who has completed a parenting seminar, pursuant to this rule

or otherwise, within twenty-four months before institution of the present action is, upon filing proof thereof, also exempt from part (b) of this rule, unless otherwise ordered by the court. Unless exempted, a party who fails to comply may be sanctioned by civil contempt remedies, by an order striking pleadings, or in such other manner as the court deems appropriate.

[Adopted April 1, 1997; amended effective September 1, 2005]

LR 14.
RECONSIDERATION AND RE-APPLICATION

(a) Motion for Reconsideration. (1) Noting for hearing. As provided in CR 59(b), a party filing a motion for reconsideration will also file a note-up slip noting the motion for hearing on an appropriate law and motion docket, designating the judicial officer whose decision the motion seeks to reconsider. The date for hearing shall be at least ten days after filing of the motion.

(2) Hearing. Upon receiving for filing a motion for reconsideration and note-up slip, the clerk shall cause the same to be delivered to the judicial officer whose decision the motion seeks to reconsider. The judicial officer will promptly determine, as provided in CR 59(e), whether the motion should be denied on its face, or, if not, whether the motion is to be heard on oral argument or submitted on briefs. The judicial officer will enter an order expressing such determinations, including a briefing schedule and a date for argument, when appropriate. The clerk will cause copies of the order to be delivered to all counsel and unrepresented parties.

(b) Re-application. When an order has been applied for and denied in whole or in part, or has been granted conditionally and the condition has not been performed, the same application for an order may not be presented to a different judicial officer unless that officer is clearly advised of the fact of the previous denial or unfulfilled condition.

[Adopted September 1, 2005]

ASSETS AND DEBTS IN MARRIAGE DISSOLUTION CASES

(a) Statement Required. At the time an action for dissolution of marriage, division of assets of a meretricious relationship, or similar case, is called for trial, and when there exists a dispute between the parties regarding the characterization, valuation or distribution of any asset or debt, each party shall file with the trial judge and serve on the other party a statement in spreadsheet format of all assets and debts of the parties within the court's jurisdiction.

(b) Contents of Statement. (1) Assets. The statement shall sequentially number and identify each asset with sufficient particularity to distinguish it from other assets of the same type. As to each asset, the statement shall set forth, unless unknown to the party, the following information: date, manner and cost of acquisition; the party's characterization of the asset as community or separate property, and if separate, the basis for that claim; present fair market value; and proposed distribution by the court. The statement shall separately identify any asset in the possession of either party claimed to be the property of a third person, in whole or in part.

(2) Debts. The statement shall sequentially number and specifically identify (including creditor and account number) each debt claimed to be owed by either party or both. As to each debt, the statement shall set forth, unless unknown to the party, the following information: the date(s) on which the debt was incurred, the purpose for which it was incurred, any security given for the debt; the balance owed at the time of trial and at the time of separation; payments made by either party after separation; whether, and to what extent, the debt is claimed to be the separate debt of either party; and the proposed distribution by the court.

LR 16.
CIVIL CONTEMPT PROCEEDINGS

This rule shall apply to all civil contempt proceedings whether brought under chapter 7.21 RCW or other statutes, but shall not apply to summary contempt proceedings under RCW 7.21.050.

(a) Warning. The order to show cause shall advise the responding party, in prominent language, that failure to appear could result in issuance of a warrant for the arrest of that party.

(b) Service. Unless otherwise authorized by order of the court, or by the express terms of a statute under which the contempt motion is brought, or by written stipulation of the parties, the order to show cause, together with the motion and supporting declarations or other materials, must be personally served on the responding party.

(c) Failure to Appear. At the hearing, if the responding party fails to appear and upon proof of service of the pleadings required by this rule, the court may order arrest of the responding party. Other requested remedies may also be ordered upon default, even if a warrant is not ordered.

[Adopted September 1, 2005]

LR 17.
SETTLEMENT CONFERENCE

(a) When Held. A settlement conference may be held in any civil or domestic case by agreement of the parties, or, in the absence of agreement, upon order of the court

(b) Time and Judicial Officer. A settlement conference will be held at a time set by the court administrator, and shall be conducted by a judicial officer other than the officer to whom the case is, or likely will be, assigned for trial.

(c) Persons Attending. The attorney in charge of each

party's case shall attend the settlement conference. The parties, or persons with settlement authority for a party, shall be available, and the judicial officer conducting the conference shall decide whether the parties shall be present in the conference room. When the defense of a party is provided by an insurer, a representative of the insurer with authority to bind the insurer to a settlement, must be in attendance or immediately available by telephone to the attorney for that party. Attendance of any party or representative may be excused for good cause shown.

(d) Preconference Submittal. At least three days before the date set for the settlement conference, the attorney, or pro se party, personally in charge of each party's case shall present to the judicial officer conducting the conference a letter succinctly addressing those issues required to be addressed.

(e) Privilege. Settlement conferences shall, in all respects, be privileged proceedings and not reported or recorded. No party is bound by any position taken during a settlement conference unless a settlement is reached. When a settlement has been reached, the judicial officer may, and at the request of any party shall, cause the settlement to be made a matter of record. The judicial officer presiding over the settlement conference shall be disqualified from acting as the trial judge in that matter, unless all parties otherwise agree in writing.

[Adopted September 1, 2005]
